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## **ORDINANCE NO. 754**

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF EAGLE, TO THE CITY OF EAGLE, IDAHO; CHANGING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY DESCRIBED HEREIN FROM RUT (RURAL-URBAN TRANSITION) TO MU-DA (MIXED USE WITH A DEVELOPMENT AGREEMENT); AMENDING THE ZONING MAP OF THE CITY OF EAGLE TO REFLECT SAID CHANGE; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized to annex to and incorporate within the boundaries of the City contiguous real property in the manner provided by Section 50-222, Idaho Code; and

WHEREAS, the owner of the real property situated in the unincorporated area of Ada County and particularly described in Exhibit "A" of this ordinance has requested, in writing, annexation of said real property to the City of Eagle; and

WHEREAS, the owner of the real property situated within the City of Eagle and particularly described in Exhibit "A" of this ordinance has requested, in writing, a rezone from RUT to MU-DA; and

WHEREAS, the property described in Exhibit "A" is located at 4149 West State Street; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on July 21, 2008, as required by Section 67-6525, Idaho Code, and made a recommendation to the Mayor and Council; and

WHEREAS, the Eagle City Council, pursuant to public notice as required by law, held a public hearing on August 26, 2008, on the proposed annexation and zoning for the real property described in Exhibit "A" as required by Section 67-6525, Idaho Code, made findings and determined that the requested annexation should be granted and that a zoning classification of MU-DA for the property described in Exhibit "A" is appropriate to meet the requirements of Idaho Code, Eagle City Code and the Eagle Comprehensive Plan and should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EAGLE, IDAHO, as follows:

**Section 1:** The Eagle City Council hereby finds and declares that the real property particularly described in Exhibit "A", attached hereto and incorporated herein by reference, is contiguous to the City, that said property can be reasonably assumed to be used for the orderly development of the City, and that the owner of said property has requested, in writing, annexation thereof to the City.

**Section 2:** The real property, all situated in Ada County, Idaho, adjacent and contiguous to the City, particularly described in Exhibit "A" and as generally shown on Exhibit "B", attached hereto and incorporated herein by reference, is hereby annexed to the incorporated territorial limits of the City of Eagle, Idaho.

**Section 3:** The City Council hereby finds and determines that the real property particularly described in Exhibit "A" and generally as shown on Exhibit "B", attached hereto and incorporated herein by reference, is hereby removed from the RUT (Rural-Urban Transition) zoning classification and is hereby included in the MU-DA (Mixed Use with a development agreement) zoning classification all pursuant to the Zoning Ordinance of the City of Eagle. The City Council further finds and determines that said zone change is in accordance with the Eagle Comprehensive Plan and relevant City Codes and that the Zoning Map of the City is hereby amended to include the real property described in Exhibit "A" in the MU-DA zoning district.

**Section 4:** From and after the effective date of this Ordinance, all property and persons within the boundaries and territory described above shall be subject to all ordinances, resolutions, police regulations, taxation, and other powers of the City of Eagle.

**Section 5:** The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Ada County, Idaho, and with the Idaho State Tax commission, Boise, Idaho, as required by Section 50-223, Idaho Code, and to comply with the provisions of Section 63-215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

**Section 6:** This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 23rd day of August 2016.

CITY COUNCIL OF THE CITY OF EAGLE  
Ada County, Idaho

Stan Ridgeway  
Stan Ridgeway, Mayor

ATTEST:

Sharon K. Bergmann  
Sharon K. Bergmann, Eagle City Clerk



STATE OF IDAHO )

: ss.

County of Ada )

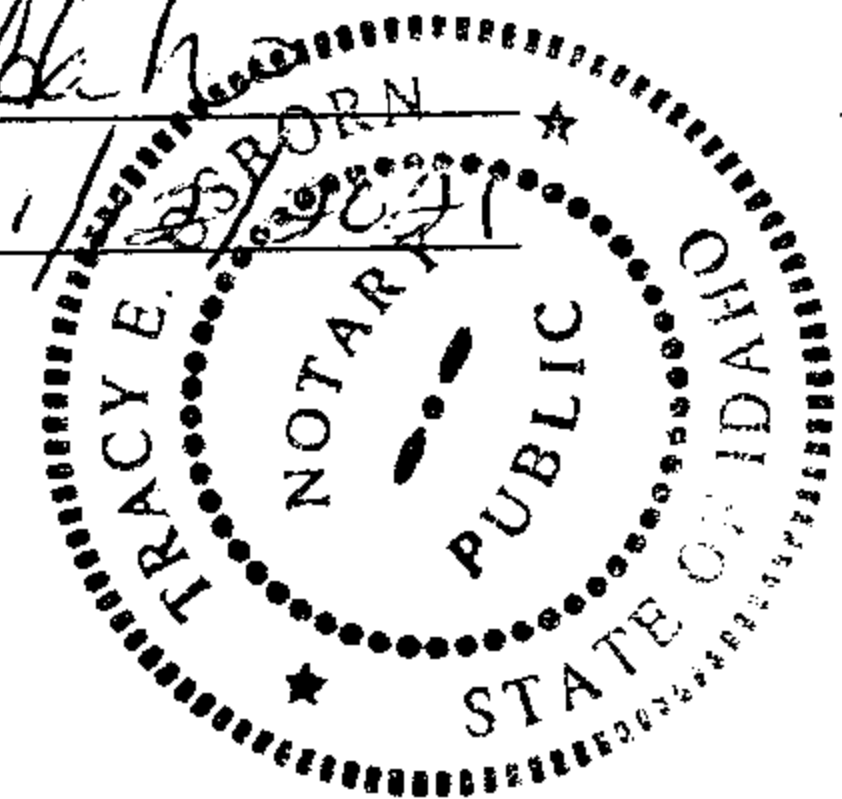
On this 24<sup>th</sup> day of August, in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared STAN RIDGEWAY, known to me to be the MAYOR of said municipal corporation that executed this instrument and the person who executed the said instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first written.

Tracy E. Osborn  
Notary Public

Residing at: Kiana Akh

My Commission Expires: 01/23/2021



## EXHIBIT "A"

KESTREL LAND  
SURVEYING

### Description for Erickson-Civil Inc. for Old Valley Plaza Subdivision - Annexation and Zoning

RECEIVED & FILED  
CITY OF EAGLE

FEB 21 2008

File: \_\_\_\_\_

Route to: \_\_\_\_\_

A parcel of land in Government Lot 3 of Section 12, Township 4 North, Range 1 West of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at an Aluminum Cap monument marking the East  $\frac{1}{4}$  corner of said Section 12; thence North  $89^{\circ}20'17''$  West a distance of 2642.24 feet along the Northerly line of the Southeast Quarter of said Section 12 to a  $\frac{5}{8}$ " iron pin marking the Northwest corner of the Southeast Quarter of said Section 12; thence South  $00^{\circ}30'49''$  West a distance of 1310.49 feet along the Westerly line of the Southeast Quarter of said Section 12 to the Northeast corner of said Government Lot 3; thence along the Easterly line of said Government Lot 3, South  $00^{\circ}30'49''$  West a distance of 85.18 feet to a point on the centerline of US Highway 44 and the extension of the centerline of West Old Valley Road, the **TRUE POINT OF BEGINNING**

Thence along the extension and the centerline of West Old Valley Road, South  $00^{\circ}30'49''$  West a distance of 82.10 feet to a point of curvature;

Thence along a curve to the right, an arc distance of 156.33 feet, said curve having a radius of 140.00 feet and through a central angle of  $63^{\circ}58'49''$ , the long chord of which bears South  $32^{\circ}30'14''$  West a chord distance of 148.34 feet;

Thence continuing along said centerline, South  $64^{\circ}29'38''$  West a distance of 602.66 feet;

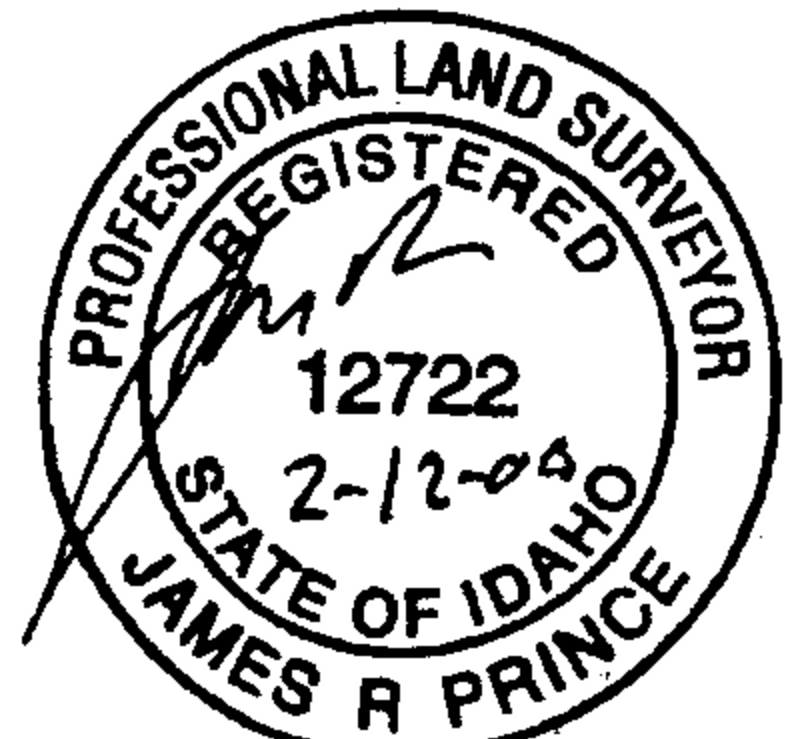
Thence leaving said centerline, on a line perpendicular to said centerline, North  $25^{\circ}30'22''$  West a distance of 40.00 feet to the Southwest corner of Benmor Subdivision, Book 53, page 4616, records of Ada County;

Thence along the Easterly line of said Subdivision, North  $03^{\circ}39'22''$  West a distance of 307.51 feet to a point on the Southerly Right-of-Way line of said US Highway 44;

Thence leaving said Easterly Line and along a line perpendicular to the centerline of said Highway, North  $06^{\circ}17'12''$  West a distance of 60.00 feet to a point on said centerline;

Thence along said centerline along a curve to the right an arc distance of 670.87 feet, said curve having a radius of 22918.31 feet and through a central angle of  $01^{\circ}40'38''$ , the long chord of which bears North  $84^{\circ}31'05''$  East a chord distance of 670.87 feet to the **POINT OF BEGINNING**.

Annexation area will contain 190,457 square feet or 4.372 acres more or less.



**EXHIBIT "B"**

CENTER OF SECTION 12

EAST 1/4 CORNER OF SECTION 12

N89°20'17"W 2642.24'

A PARCEL LAND LOCATED IN THE GOVERNMENT LOT 3 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PROPOSED ANNEXATION BOUNDARY FOR  
OLD VALLEY PLAZA SUBDIVISION

NORTHEAST CORNER  
GOVERNMENT LOT 3

N00°30'49"F 1310 49'

Q US HIGHWAY 44  
C1

100.00'

60.00'

N06°17'12"W  
60.00'

FUTURE RIGHT-OF-WAY DEDICATION





MIDDLETON MILL DITCH

BENMORE SUBDIVISION  
N03.39.22"W 307.51'

SCALE: 1"=100'

## LEGEND

ANNEXATION AREA LINE  
SECTION LINE  
CENTER LINE

	FOUND BRASS CAP MONUMENT
	FOUND ALUMINUM CAP MONUMENT
	FOUND 5/8" IRON
	CALCULATED POINT

# KESTREL LAND SURVEYING

369 E. WATERTOWER LN., S'te. A, MERIDIAN, ID 83642  
PHONE: (208) 888-7345

LINE	BEARING	DISTANCE
L1	N 25°30'22" W	40.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	22918.31'	670.87'	670.84'	N 84°31'05" E	01°40'38"
C2	140.00'	156.33'	148.34'	S 32°30'14" W	63°58'49"

